

**DETERMINATIONS OF NO JURISDICTION FOR ISOLATED, NON-NAVIGABLE, INTRA-STATE WATERS
RESULTING FROM U.S. SUPREME COURT DECISION IN SOLID WASTE AGENCY OF NORTHERN COOK
COUNTY V. U.S. ARMY CORPS OF ENGINEERS**

DISTRICT OFFICE: Los Angeles District

FILE NUMBER: 200601602-PHT

REGULATORY PROJECT MANAGER: Phuong H. Trinh **Date:** 8/17/06

PROJECT REVIEW/DETERMINATION COMPLETED: **In the office (Y/N)** Y **Date:** 8/17/06
At the project site (Y/N) N **Date:** _____

PROJECT LOCATION INFORMATION:

State: California

County: Los Angeles

Center coordinates of site by latitude& longitude: 34-37-51.6 & -118-0-44.28

Approximate size of site/property (including uplands & in acres): 0.025 acres

Name of waterway or watershed: Little Rock Wash

SITE CONDITIONS:

Type of aquatic resource ¹	0-1 ac	1-3 ac	3-5 ac	5-10 ac	10-25 ac	25-50 ac	> 50 ac	Linear feet	Unknown
Lake									
River									
Stream									
Dry Wash	X								
Mudflat									
Sandflat									
Wetlands									
Slough									
Prairie pothole									
Wet meadow									
Playa lake									
Vernal pool									
Natural pond									
Other water (identify type)									

¹Check appropriate boxes that best describe type of isolated, non-navigable, intra-state water present and best estimate for size of non-jurisdictional aquatic resource area.

Migratory Bird Rule Factors ¹ :	If Known		If Unknown Use Best Professional Judgment		
	Yes	No	Predicted to Occur	Not Expected to Occur	Not Able To Make Determination
Is or would be used as habitat for birds protected by Migratory Bird Treaties?	X				
Is or would be used as habitat by other migratory birds that cross state lines?	X				
Is or would be used as habitat for endangered species?		X			
Is used to irrigate crops sold in interstate commerce?		X			

¹Check appropriate boxes that best describe potential for applicability of the Migratory Bird Rule to apply to onsite, non-jurisdictional, isolated, non-navigable, intra-state aquatic resource area.

TYPE OF DETERMINATION: Preliminary _____ Or Approved X

ADDITIONAL INFORMATION SUPPORTING NJD (e.g., paragraph 1 – site conditions; paragraphs 2-3 – rational used to determine NJD, including information reviewed to assess potential navigation or interstate commerce connections; and paragraph 4 – site information on water of the U.S. occurring onsite): The applicant proposes to temporarily impact approximately 0.025 acres of Little Rock Wash to excavate an abandoned vehicle in Palmdale, Los Angeles County, California. Little Rock Wash is an isolated desert wash that originates in the San Gabriel Mountains and flows to the north, connecting with clay pans and playas on Edwards AFB during years with above average rainfall. The wash is characterized by low-gradient areas dominated by unconsolidated alluvium. High summer temperatures, low humidity, and little rainfall characterize the climate in the western Mojave Desert. Little Rock Wash contains riparian and scrub vegetation in the center low flow channel and is dominated by extremely coarse substrate. In terms of interstate commerce, the recreational facilities in the reservoir have the potential to provide camping and fishing for out-of-state travelers; however, given the small size of the recreational areas and the limited opportunities for boating in the reservoir, the existing recreational facilities provide an insufficient interstate commerce nexus to regulate Little Rock Wash in light of the Solid Waste Agency of Northern Cook County Supreme Court Decision. Based on the above, the proposed project, which is located in an isolated desert wash with an insufficient interstate commerce connection, would not require authorization pursuant to Section 404 of the Clean Water Act. See Fact sheet by Aaron Allen 200201229.